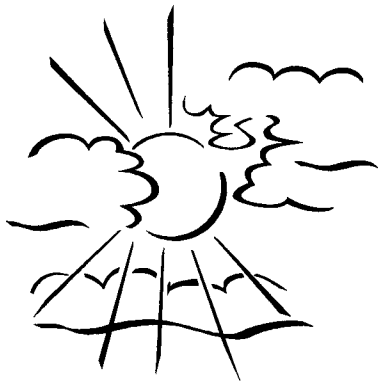


***Department
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Articles in Today's Clips

Friday, June 2, 2006

(Be sure to maximize your screen to read your clips)

TOPIC	PAGE
Child Abuse/Neglect/Protection	2-4
*Early Out	5-6
Domestic Violence	7
Vulnerable Adults	8-9
Child Support	10
Parental Rights	11
Health Care	12
Migrants	13-14
Fraud	15-16
Unger Case	17-19

*Important story at this spot

Mother surrenders rights in sex abuse case

Friday, June 02, 2006

The Grand Rapids Press

ALLEGAN -- A woman whose husband and father-in-law are accused of sexually molesting several children in an Allegan area home agreed to terminate her parental rights to four children Thursday.

Police said the woman, 26, was aware of the alleged abuse and that her father-in-law, Ronald Rupert, 56, was not supposed to be around children unsupervised because of a 1993 sexual assault.

The woman and her husband, James Rupert, 26, now both have relinquished the rights to their four children, ages 8, 7, 4 and 3.

Another couple, whose three children lived in the home, also have relinquished their parental rights.

Police found 20,000 images of pornography in the home, where seven children lived, in what detectives have called one of the worst cases of abuse they have seen.

Ronald Rupert last month pleaded guilty to three counts of first-degree sexual assault and James Rupert is awaiting trial on other sexual assault charges.

Another man also charged by police, 74-year-old Isaac Kelly, pleaded guilty Tuesday to possessing child sexually abusive material in exchange for dismissal of a charge of using a computer to commit a crime and child abusive commercial activity.

Kelly is the great-grandfather of the three children in the other family.

His attorney, Mike McEwen, said Kelly was not aware of the alleged sexual abuse in the home and was charged because police found one sexually explicit photo on his computer.

The photo did not involve any of the children living at the home, he said.

"I think the fact he was living in the same home as the others has caused him to be lumped in with them," McEwen said.

Kelly will be sentenced July 7.

Father, daughter found

The Grand Rapids Press

Friday, June 02, 2006

GRAND RAPIDS -- Police canceled an Amber Alert Thursday after they picked up a man and his missing 3-year-old daughter. State police and Kent County sheriff's deputies arrested John Simons at 2:15 p.m. at a Grand Rapids medical facility. Police took his daughter, Serenna, into protective custody. The Howard City girl was unharmed, authorities said. Simons was arrested on felonious assault and felony firearms charges. He also faces an outstanding charge for production of marijuana.

Ludington Daily News

Posted: 6-1-2006

Infant's death ruled accidental

BALDWIN — A 3-week-old Grand Rapids girl died by accidental suffocation while she slept, a pathologist determined. The girl was staying at her father's home in Lake County's Pleasant Plains Township when she died.

Lake County Undersheriff Mike Dermeyer said his department received a report about the death at 7:08 a.m. Wednesday. Dermeyer also said pathologist Dr. David Start, of Spectrum Health-Blodgett Campus, ruled on the baby's cause of death.

Friday, June 02, 2006

Around Metro Detroit: Capitol Report

Bill offers 3rd round of buyouts for workers

Gary Heinlein / Detroit News Lansing Bureau

LANSING -- State government, whose ranks have thinned from 61,500 workers in 2000 to just over 53,000 today, would be offered another round of retirement buyouts under legislation introduced in the House this week.

The chief sponsor, Republican Rep. Rick Jones of Grand Ledge, said he aims to help state employees who have contacted him saying they want an early retirement opportunity. Further shrinking state government isn't necessarily the goal, he said.

"My office is besieged with calls from people who say, 'I'm burned out and I ' Jones said. "It makes good sense to offer don't want to be here any more,' them an out and hire new people who want to be here."

An official of the state's biggest employee union agreed there are workers who want to leave, but said the plan sounds like an election ploy. Similar legislation was offered prior to the last election.

"I think there are a lot workers who are so overworked and under so much pressure, they are looking for an early out unfortunately," said Alan Kilar, the secretary treasurer of UAW Local 6000, which represents 17,000 workers.

But Kilar said it's crucial that all departing workers be replaced. He said it's also important to know if the early retirements would save any money.

There hasn't been an analysis of the financial impact yet. Jones said he believes the state would save by replacing longtime employees with entry-level workers.

Gov. Jennifer Granholm, whose signature would be the final step needed to make his bill a law, isn't contemplating more early retirements. A Granholm spokeswoman said the state still is feeling the impact from the loss of experienced workers during the previous two rounds of buyouts. The last, in 2002, eliminated 8,000 employees.

Jones' plan, House Bill 6117, would offer retirement packages to workers whose age and experience equals 80 by Sept. 1, 2007. Early retirees would get a percentage of their base salary equal to 1.75 times their years of service to the state. Most would retire between Jan. 1 and Sept. 1 next year, but a department head could get an extension of up to three years for an employee.

The UAW's Kilar said the terms are attractive, but a better idea would be to make them permanent. The result would be a continual trickle of departures and replacements, rather than large turnover in a short period. Kilar said a bill, introduced last year, to do that has been ignored by Republican leadership.

You can reach Gary Heinlein at (313) 222-2470 or gheinlein@detnews.com.

June 1, 2006

VANDER VEEN: NO HEARING ON EARLY OUT PLANNED

The chair of the House Senior Health, Security and Retirement Committee, Rep. Barb Vander Veen (R-Allendale), said Thursday that she has no plans to take up legislation in her committee that would provide incentives for the early retirements of state employees.

HB 6117 was introduced Wednesday and referred to Ms. Vander Veen's committee. Bill sponsor, Rep. Rick Jones (R-Grand Ledge) had told Gongwer News Service Tuesday that he introduced the legislation so that employees who want to retire can and so that the state could save money.

But Ms. Vander Veen said she is still waiting to have a fiscal analysis done to gauge the potential impact the early retirement offer could have. She also said that no hearing is planned for the bill anytime soon as Governor Jennifer Granholm has indicated she does not want an early out program to occur.

"Based on what we know currently, we don't want to pursue it at this time," she said.

A spokesperson for Ms. Granholm said earlier this week that the state is still feeling the ramifications from the last early retirement offer in 2002, where 8,000 state employees retired, and subsequently many positions were left unfilled.

Alan Kilar, financial secretary and treasurer for the United Auto Workers Local 6000, representing state employees, said Thursday that some members would like to see a permanent "80" policy in place – where a person is eligible to retire if their age and service to the state are equal to or greater than 80. Lansing Mayor Virg Bernero introduced legislation to that effect (SB 953) when he was a member of the Senate.

Mr. Jones's legislation offers that eligibility, but not permanently. Starting January 1, 2007 and ending September 1, 2007, an employee could apply for early retirement, with the retirement window ending September 1, 2010.

The legislation is offered for classified state civil service employees, employees of the Legislature, Office of the Governor or executive branch and the judicial branch.

Mr. Kilar said he had not reviewed the bill, but understands that some state employees are feeling overwhelmed with the workload since the last early retirement and that they are "anxious for this to happen."

Should the legislation move through the Legislature and to the governor's desk at some point, Mr. Kilar said he hoped the bill was no election year politics and that there would be a requirement that all positions be filled and that health care coverage would be guaranteed for retirees. The organization does not want the early out offer to hurt the state financially either, he said.

6/1/2006 11:00:00 AM

Attempted murder charged

Police: Man trapped woman in car, attacked her with ax

Sturgis Journal

By Corky Emrick

BURR OAK TWP. — A 27-year-old Burr Oak man is being held in the St. Joseph County jail after he assaulted his ex-girlfriend with an ax Wednesday afternoon.

Michael J. Harker, 27, of Burr Oak, is charged with attempted murder.

Michigan State Police were called to a home in the 67000 block of County Farm Road at about 2 p.m.

Troopers said the 28-year-old victim arrived at the residence, and Harker arrived shortly after that.

As the woman was attempting to leave, Harker jumped on the hood of her car, police said.

Harker then had his hand caught in the car. A relative used an ax to pry Harker's hand from the vehicle.

Harker took the ax that was used to free him and tried to harm the victim, who was still in her car, according to police.

Harker hit the windshield of the car several times, penetrating it and lodging the blade of the ax in the dash.

Harker then broke out the driver's side window and swung at the victim, just nicking her arm.

The woman was able to duck under the next swing, where the ax became lodged in the passenger seat, police said. She was then able to escape the vehicle.

Police will continue an investigation into the case.

Seniors learn preventing identity theft

By Mardi Suhs, Cadillac News

June 2, 2006

CADILLAC - "Don't give out your personal information on the phone," declared Angela Branch, Special Assistant to the Attorney General of Michigan.

"And do not confirm any information on the phone. And by the way," she added, "police, fire departments and the courts don't solicit on the phone. Don't give them any information."

Branch travels throughout the state to educate citizens about identity theft. On Thursday she gave a 90-minute power point presentation on how to avoid identity theft to the residents of Kirtland Terrace.

"I've been doing this for the last two years," Branch explained. "I'm trying to educate as many as possible. No matter where I go, I haven't gone to one community where someone hasn't been affected by identity theft."

Branch pointed out that identity theft is the fastest growing crime in the country, noting that in Michigan 28 percent of the victims are 50 and older and that Michigan ranks 15th in the number of complaints per 100,000. By presenting educational seminars, Branch is part of an aggressive effort by the Attorney General's office to cut down the rising incidents of identity theft.

Asked to define the one most important thing a person could do to protect their identity, Branch said - "shred!" Anything with a name and address should be shredded or cut before going in the trash. She stressed that mail order catalogs and order forms are often ignored, but they should be cut or shredded if they display a name and address. Old prescription bottles should also have names and address blocked out with ink.

"Don't provide anyone with the tools they need to do the research on you."

Other tips included: check financial statements regularly; retrieve mail immediately; don't carry your social security card around, leave it at home in a safe place; limit printed information on your personal checks to just a first initial and last name; and retrieve all purchase receipts with credit card information.

She also pointed out that people should have three free credit checks run every four months to monitor their credit history, a right provided by recent legislation.

Fern Way, a resident of Kirtland Terrace, attended the seminar and said she found it very informative.

“I have to shred things,” she said. “I get so much in the mail that I throw in the trash. I didn't realize that I needed to cut out my name and address.”

“I agree,” said Louise Ulrich. “And I never thought about my prescriptions, to take my name off them. I just throw everything away.”

Edna Alberts, after hearing the information, decided to call her bank and have some printed information removed from her checks. Branch stresses that the less printed information on the check, the better.

Branch stressed that victims of identity theft should always file a police report.

To obtain a free annual credit report, call (877) 322-8228.

Your local connection

Identity thieves use your name, date of birth and social security number to open new credit card accounts. When they don't pay the bills, it is reported on your credit report. They also open a bank account in your name and write bad checks on that account.

To prevent identity theft:

- € Obtain a free credit report four times a year and crosscheck all accounts

- € In a secure place list all accounts and credit cards with their numbers and the phone number to call and cancel if lost or stolen

- € Only carry the credit cards you will use

- € Never give a card number over the phone unless you initiated the call

- € If possible, deposit outgoing mail in collection boxes or at your local post office

- € Don't leave incoming mail in your mailbox overnight

- € Report lost or stolen checks immediately

- € Tear or shred anything that is waste that contains your name and address

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Michigan Report

June 1, 2006

HIGH COURT ORDERS CHILD SUPPORT GUIDELINES USED IN NEGLECT, ABUSE CASES

Parents of children who are put into foster care because of suspected abuse or neglect will now be ordered to reimburse the state according to the Michigan Child Support Formula after one or more of the charges against them are found true, the Supreme Court said in an amendment adopted this week.

The amendments to court rules were approved on Wednesday after a public hearing was held last week.

They instruct courts to use the child support formula to determine the amount biological parents must pay to the state as reimbursement for foster care costs and state that child support may be ordered at a dispositional hearing – which is the initial hearing – after it is determined that one or more of the claims of abuse is legitimate.

While courts have for some time had the discretion to enter the child support order at the initial hearing, this is the first time it has been explicitly stated in the rule, said Marcia McBrien, public information officer for the high court.

She added that the changes align Michigan law with federal regulations.

EDITORIALS

Sustain funds for court, kids

Detroit Free Press

June 2, 2006

Under Chief Judge William Whitbeck, the Michigan Court of Appeals has done a good job of reducing the time it takes to rule on a case. The expedition of justice is important at the appeals level because most of the court's decisions are final -- the Michigan Supreme Court reviews less than 5% of appellate rulings -- and lives are often on hold awaiting them. In sensitive matters such as the termination of parental rights, speed is particularly critical.

The court has devised a good and economical system for expediting those cases, but it is imperiled by budget plans adopted by the House and Senate for the tight fiscal year that begins Oct. 1. This may be a case where spending a little can mean a lot, especially for troubled children who need better than a legal limbo.

The court's budget is around

\$20 million, and health and pensions costs are growing fast. So the Legislature's proposed budget reductions would likely force the elimination of a \$250,000 contract attorney program. There are 25 lawyers in the program, most of them former court employees, who earn about \$10,000 a year without benefits to work on appeals involving the termination of parental rights, the legal requirement for children to become eligible for adoption.

Because of the program, the court has been able to cut the time for handling such appeals from an average of 325 days in 2001 to 211 days this year. That's four months in the life of an abused or neglected child who needs more than anything a stable, permanent home. The court recognized the special urgency of these cases in setting up the contract attorney program. It would be a shame to see it end.

The program is one of a number of steps the court has taken to increase its efficiency. Since 2001, the average time for issuing an opinion dropped from 653 days to 449, about 30%. Steady progress has, however, been stalled by budget constraints. As fixed costs have risen faster than state appropriations, the court has left vacancies unfilled, slowing down its work.

Anyone who has ever had a case in court knows the consuming nature of the wait for a decision at each step of the process. When you're a kid in need of a home, it can only be worse. In a year when the Legislature faces plenty of tough budget cuts, protecting progress at the state Court of Appeals -- and helping kids in the process -- should not be one of them.

June 1, 2006

HEALTHY LIFESTYLES ENCOURAGED BY BILL OK'D BY SENATE

With Democrats saying it marks a beginning for better health care coverage in the state, the Senate with a near-unanimous vote approved a bill designed to encourage healthier lifestyles by Medicaid recipients by increasing benefits for those who stop smoking and end other unhealthy habits and increasing payments to HMOs that show better health for their members.

The provisions would require the Granholm administration to seek a federal waiver (West Virginia has won approval of a waiver for a similar program) and Democrats said they hoped it would build support for the administration's proposal for a waiver to expand health care coverage to half of the 1.1 million uninsured persons in the state.

Sen. Tom George (R-Kalamazoo) had said the bill (SB 1255■, passed 35-2) gives the Legislature an opportunity to make some changes in the Medicaid program and in the process gain some input in the waiver process.

The bill would require the Department of Community Health to seek federal waivers that would permit use of Medicaid funds for a health incentive program. That could mean recipients would pay less in premiums and co-pays or receive additional benefits if they adopt healthier lifestyles. Groups like HMOs that administer benefits would get higher payments for meeting goals of health improvement indicators.

Sen. Laura Toy (R-Livonia) said the requirement is a welcome step, but added, "I don't think this will answer all the questions regarding health care."

Sen. Mark Schauer (D-Battle Creek) said legislative approval of SB 1255 would "indicate support" for the governor's waiver. "We seem to be just talking about poor people not practicing wellness," he said. "The governor's plan is broader than that."

I.D.A. APPROVED: A three-bill package authorizing the establishment of individual development accounts – which proponents say will encourage lower income persons to return to school, buy a home or start a business – won unanimous Senate approval Thursday.

The bills (SB 640■, SB 641■ and SB 642■) allow community development organizations to establish the savings accounts for low-income persons that could be used for obtaining a postsecondary degree or for business and home projects.

"IDAs remove the barriers and help low income people accumulate assets," said Sen. Buzz Thomas (D-Detroit), sponsor of two of the bills. "There are people throughout this state that want to improve their lives but do not have the financial means to achieve those goals."

Columnists

Oceana's Herald Journal

Posted: 6-1-2006

Not lazy, just tired

I've really listened to the debate over what should be done about illegal immigration. I always try to really listen, but this time I really have made an extra long effort to listen without saying anything.

During the course of this intense listening some of my original views have changed.

Those aren't the ones I'm writing about this week.

They (my mother always adds, whoever they is) always say to write about what you know. So here goes. And let me explain an important point I am writing about migrants" I have no idea if they are, or were illegal immigrants or not, because from the human services agencies I have interviewed recently, I have learned that proving that they are here legally is not a prerequisite for services.

First, I've heard lots of talk about illegal immigrants doing work that Americans will not. Here's what I have to say about that: I have planted, picked and sorted asparagus. I didn't much mind any of those jobs. I had a great tan while picking asparagus, made pretty good money, worked for a super nice family and got to drive with my feet.

What I did mind was telling my small children good-bye each early morning and watching one of them cry like crazy as I left them with the baby-sitter.

As I began to think about it, I also minded paying the baby-sitter, and going to pick her up each early morning. Good childcare is a premium and I understand that finding a person you trust and who will come at uncertain hours to your home for 6-8 weeks is a find. That wasn't the problem.

When the summer migrant program bus picked up the kids who belonged to the families that were picking in neighboring fields, I began to get a little cranky. I got real cranky the longer I picked the first day I saw that bus" because I remembered the summer I worked in the migrant program. I tend to be hell on wheels when I get cranky and I don't think Johnny Kica's asparagus field ever got picked faster.

Years earlier, I rode the bus which picked up the migrant children and brought them to school, where they were diapered and rocked and fed and taken to the doctor or dentist if needed, and taught some lessons and entertained, and taken back home. I enjoyed the

job, and the kids.

But on that picker that morning I also remembered the day my children and I were in a local grocery store and they were clamoring for candy, after they saw the cart in front of us heaped full of junk and the youngsters (I knew them from the migrant program) eager to dig in. My kids didn't get candy.

I explained that the food we were buying was better for us, and less expensive. They understood. I think they were too young to understand why the money the other family used to buy the candy looked nothing like the dollars we used.

I remembered the day my mother came home from work in an outrage (well, there were several of those, but this is a family favorite.) My mom was a school secretary at that time, a single parent with two kids to support, and no family here to help. I believe her conversation with a clerical worker in the office started about making ends meet. I think it might have been right about the time that someone in our household needed new glasses (no insurance for that). From there it took a turn for the worse when the other woman (a former migrant who had settled out and was now staying in the area year-round) failed to understand my mother's financial situation. Don't you get free cheese? she asked my mother.

Hell, (my mother used the woman's name, but I'll leave it off) I don't get anything free, my mother replied.

To this day, if you say migrant, or cheese in my mother's presence, you will get that story.

It is one of the reasons some of my views have not changed.

Since that time, I have seen more and more buildings constructed in this area, to house services for migrant workers. I have seen the budgets of migrant services and school grow and grow. I have seen fewer and fewer Americans working locally in the fields.

Did we get lazy? Did the high-schoolers and young mothers and housewives who used to work the fields get lazy? I don't think so.

I think we just got tired. Tired not of farm labor, but of working and paying for our own health and dental care or insurance; tired of working and paying for all our own food and housing; tired of paying our own baby-sitters; tired of driving old clunkers and junkers. Because even though we were paid a good wage for our work, all that survival takes a lot out of your pocket at the end of the month.

So, we went to work in offices and shops, and at schools and in our own businesses, year-round. And we left the field work to the folks who could afford to do it. I still don't know if they are illegal or not. And it doesn't seem to matter.

Published June 2, 2006

Katrina 'victim' pleads guilty to larceny: Mason native received home, money, gifts

By Kevin Grasha
Lansing State Journal

MASON - The woman charged with lying about being a Hurricane Katrina victim and accepting a home as well as thousands of dollars in money and gifts has pleaded guilty and faces up to five years in prison.

Kim Horn, 42, claimed she came to Mason after her house in Louisiana had been destroyed by the August 2005 storm. Horn told officials that she lost everything.

Horn did live in Louisiana, but not near any hurricane-damaged areas, according to court testimony at a preliminary hearing. The address in the town of Kenner, La., she gave social service agencies did not exist.

Mason City Administrator Martin Colburn on Thursday said it was sad and unfortunate that Horn misrepresented herself.

"She took advantage of social service agencies and the community. She defrauded us," Colburn said. "And charges were rightfully filed against her because of that."

He hoped this one example of someone taking advantage of the system - as well as a community striving to help - would send a message to others not to try.

In a story last September in the State Journal, Horn talked about her new life. She lived in a house owned by the city of Mason that she was renting for free. Days later, she was led in handcuffs from the home and charged with larceny under false pretenses, a felony.

The North Jefferson Street house has sat vacant since her arrest in September. For months, the house was sealed as a crime scene, and no one was allowed in.

During the winter, it suffered damage when the pipes froze, Colburn said. The city has since repaired the house and is trying to get restitution through the courts.

"Now we're trying to rent it," he said.

Horn has been held at the Ingham County Jail since September and could not be reached for comment. Her attorney, James White, would not comment Thursday on the May 17 plea agreement. Horn will be sentenced June 21.

White previously has said his client fled to Michigan with her 6-year-old daughter to escape an abusive relationship and was afraid to return to Louisiana.

Mason residents gave generously when they heard about Horn, a graduate of Mason High School.

As soon as word got out that the city was offering the house and needed to fill it with everything from furniture to soap, the response was overwhelming, said Debbie Cwierniewicz, Mason's deputy clerk.

"I didn't get any work done," Cwierniewicz said. "As soon as I put the phone down, it was ringing again."

Contact Kevin Grasha at 267-1347 or kgrasha@lsj.com.

Friday, June 02, 2006

Unger witness: No homicide Defense calls on expert who says there's not enough evidence to prove murder.

Mike Martindale / The Detroit News

BEULAH -- Wayne County's Chief Medical Examiner split from three other experts' opinions Thursday by testifying that a Huntington Woods woman's October 2003 death at a northern Michigan lakeside resort should not be classified as a homicide.

Dr. Carl Schmidt said Florence Unger's death resulted from blunt trauma injury to the head and should be classified as indeterminate, since there's not enough evidence to find it resulted from either an accident or homicide. Three other pathologists say it was a homicide.

Mark Unger, 45, of Huntington Woods is on trial for first-degree murder in the Oct. 25, 2003, death of his wife, Florence, 37, at the Inn of Watervale, 10 miles south of Frankfort. Investigators believe she was pushed or fell off a 12-foot-high boathouse deck during an argument with her husband over their pending divorce. She was found floating facedown in Lower Herring Lake.

"My initial impression was she died of a head injury and her body had " said Schmidt, called as a defense witness. suffered significant injury

The defense is presenting witnesses to support its contention that her death was accidental and didn't involve her husband.

"I think she hit the ground and rolled into the water. There is not enough evidence to show she was pushed or fell," Schmidt said.

But under intense cross-examination by assistant Oakland County prosecuting attorney John Skrzynski, Schmidt agreed drowning was "possible" as a component of death.

Both lungs were more than double their normal weight, consistent with drowning. Schmidt noted that condition can also accompany head trauma, a heart attack or a drug reaction.

The issue of drowning is a critical element to the prosecution's charge of premeditated murder and part of a chain of circumstantial evidence presented to the jury since April 26.

In another development, Benzie Circuit Judge James Batzer held off ruling on whether jurors may hear a physics professor or see five computer-animated scenarios he created that could illustrate ways Florence Unger may have died accidentally.

A 90-minute hearing on the matter was held Thursday and is expected to continue Wednesday, when Batzer is expected to make a ruling.

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MICHIGAN

Unger's son may be called to testify in murder trial

June 2, 2006

BY FRANK WITSIL
FREE PRESS STAFF WRITER

BEULAH -- Mark Unger's 12-year-old son is expected to be questioned today by his father's defense attorneys to determine whether to call him to testify in his father's murder trial.

Unger is on trial charged with killing his wife, Florence Unger.

If Max Unger, who lives in Huntington Woods, is compelled to take the witness stand in Benzie County Circuit Court, it could force him to choose between his parents, possibly adding to his trauma, some experts say.

"It would add a lot of trauma to him. It could have terrible long-lasting effects," said Helen Curran, a psychotherapist with Auburn Counseling and Associates in Flint, who is not involved in the case.. "He's already going through the loss of his mom. If his dad is found guilty, the child has a double loss. If his dad is acquitted, it will change the family forever."

The Ungers -- Mark, Florence, Max and a second son, Tyler, now 9 -- went on a weekend getaway to a rented cottage at Watervale, a northern Michigan resort, on Oct. 24, 2005. The next morning, Florence Unger was found dead, floating face-down in Lower Herring Lake.

State prosecutors say that Mark Unger, now 45, forced his 37-year-old wife over the edge of a deck, that she hit her head on a concrete slab below and that he put her body in the nearby water and drowned her.

Mark Unger has said he had nothing to do with her death and that it was an accident.

The trial, which is before Judge James Batzer, is in the fifth week of testimony.

And now, defense attorney Robert Harrison said he may need Max Unger to take the stand. Since Florence Unger's death, her parents, Harold and Claire Stern, also of Huntington Woods, have had custody of Max and Tyler and have been protective of their grandchildren, shielding them from news reports and media.

The Sterns declined to comment Thursday.

Harrison said Max may have information that may be significant to the case. He declined to elaborate. The testimony, however, may corroborate Mark Unger's version of events that night and be used to try to counter testimony from other witnesses

"I hope and pray it doesn't come to that," said Mark Unger's sister Kim McWhorter.

She and Bette Rosenthal, Mark Unger's mother, said they would prefer that Max not have to testify, but have been told that his testimony may be necessary.

Moreover, they said, they are uncertain of what he will tell jurors.

Earlier in the trial, Harrison read into the court record what Max told police not long after his mother was found dead. Max said his mother and father were on a deck together the night before while he and his brother watched television.

Max said his father returned and told him it was time for bed and set up a radio for Max to listen to a Red Wings game.

Max told police he fell asleep with the night-light on and his father went back to the deck to talk to Florence Unger. Max said he knew that his father left because he heard "dad's big feet walking across the porch" and heard the door shut. Later, Max said, his dad came back to the cottage to kiss him goodnight.

Also Thursday, Wayne County Medical Examiner Dr. Carl Schmidt testified that it can't be determined whether Florence Unger was killed or whether her death was an accident. Schmidt, who was called to testify by the defense, said there is not enough information to assess whether she fell from the deck or was pushed.

Schmidt said her injuries indicate she died from a "blow to the right side of the head," which caused the skull to fracture, not from drowning, which was the conclusion of Oakland County Medical Examiner Dr. L.J. Dragovic.

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